

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

AITHENT, INC.,

Plaintiff,

-against-

THE NATIONAL ASSOCIATION OF INSURANCE
COMMISSIONERS,

Defendant.

Case No. 4:11-CV-00173-GAF

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE #11

Plaintiff Aithent, Inc. ("**Aithent**") respectfully makes this submission in response to the defendant National Association of Insurance Commissioner's ("**NAIC**") Motion in Limine #11 (Doc. 138), in which NAIC seeks to preclude Aithent from introducing evidence that the NIPR Gateway contains, utilizes or is founded upon LEO source code or that Aithent contributed anything to the development of NIPR Gateway. Aithent does not intend to introduce any evidence of this sort at trial, as it is Aithent's claim that, as a means of avoiding royalty payments to Aithent, NAIC and NIPR purposely did not use LEO in the development of Gateway. Accordingly, Aithent does not oppose this Motion.

Conclusion

For all of the foregoing reasons, NAIC's Motion in Limine #11 should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served through the Court's ECF system and/or mailed, postage pre-paid, on this 10th day of May, 2013 to:

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